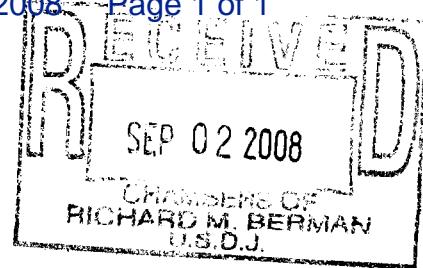


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September 2, 2008

**BY FACSIMILE**

Honorable Richard M. Berman  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 650  
New York, New York 10007-1581

**MEMO ENDORSED**

**Re: Foster v. Hard Rock Café International (USA) Inc.  
Case No. 07 Civ. 11559 (RMB)**

Dear Judge Berman:

We are the attorneys for the defendant in the above matter. There is a conference scheduled before your Honor tomorrow morning at 9:00 a.m. The parties have entered into a Settlement Agreement, and the agreement, signed by both parties, and check payments pursuant thereto have been sent to plaintiffs' counsel. They were due to arrive today but an error in address may delay delivery until tomorrow. Counsel has asked that I hold off filing the stipulation of discontinuance until the checks are received. Therefore, counsel jointly request that tomorrow's conference be adjourned for one week to allow for filing of the stipulation. Thank you.

Respectfully,

*Jerrold A. Goldberg*  
Jerrold Goldberg

cc: Louis Ginsberg, Esq. (via email)

Application granted. Conference  
adjourned.

SO ORDERED:

Date: 9/2/08

*Richard A. Berman*  
Richard M. Berman, U.S.D.J.

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